

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

CYNTHIA D. PAJAK,

Plaintiff,

v.

CIVIL ACTION NO. 1:19-CV-160

Hon. Thomas S. Kleeh

**UNDER ARMOUR, INC.,
UNDER ARMOUR RETAIL, INC.,
and BRIAN BOUCHER,**

Defendants.

**STIPULATION TO AMEND PLEADINGS TO WITHDRAW SPOILIATION CLAIMS
AND PLAINTIFF'S WITHDRAWAL OF MOTION FOR RELATED RELIEF**

Plaintiff Cynthia D. Pajak and Defendants Under Armour, Inc., Under Armour Retail, Inc. and Brian Boucher, by counsel, stipulate and agree pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, that Ms. Pajak hereby amends Plaintiff's Amended Complaint to withdraw the claims for intentional spoliation, as asserted in the Fifth and Sixth Counts of Plaintiff's Amended Complaint [ECF 291]. Additionally, Plaintiff hereby withdraws Cynthia D. Pajak's Renewed Motion for an Adverse Inference Jury Instruction Regarding Defendants' Spoliation of Evidence [ECF 902].

Respectfully submitted this 2nd day of June, 2023.

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